

MAINE PUBLIC UTILITIES COMMISSION
Investigation into Area Code Relief

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we establish the procedures to be followed by the Commission when exercising its authority to reclaim number resources. We delegate to the Administrative Director the authority to grant requests for extensions of time as well as the authority to direct the North American Numbering Plan Administrator (NANPA) to reclaim numbering resources.

II. BACKGROUND

Until recently, the North American Numbering Plan Administrator (NANPA) was responsible for verifying that codeholders put their numbering resources (codes or NXXs) into service in a timely manner. NANPA had the authority to: verify that the NXXs were put in service by collecting "Part 4 certifications"¹ from the codeholders; grant "Part 4 extensions" to codeholders able to demonstrate good cause why they could not activate their NXXs on time; and reclaim codes from codeholders which had neither activated their NXXs nor been granted an extension, or which had ceased using the NXXs for the purpose for which they were assigned.

In its First Report and Order, the Federal Communications Commission (FCC) made a substantial change in numbering resource management by taking reclamation authority away from NANPA and delegating it to the states.² If a state chooses not to exercise its delegated authority, reclamation management authority for that state reverts back to the FCC. On October 10, 2000, the Commission notified NANPA that it would administer the reclamation process in Maine.

III. DISCUSSION

The reclamation process discussed below is intended to provide a reasonable degree of flexibility for those codeholders that may, for reasons

¹A Part 4 certification is a statement from a carrier that it has placed an NXX in service. See Central Office Code Assignment Guidelines NXX Assignment Request Form, Part 4.

²In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, FCC 00-104, ¶¶ 232-241 (March 31, 2000).

beyond their control, have to delay the activation of their assigned codes, while ensuring that scarce numbering resources remain available to serve the immediate needs of retail customers.

NANPA will continue to receive and process Part 4 confirmations during the six month period following the LERG effective date of an NXX. Each month, NANPA will submit to the Commission a list of NXXs with past-due Part 4 confirmations (past-due list). NANPA will not accept any Part 4 confirmations after the six month deadline has passed, and NANPA does not have the authority to grant extensions of the Part 4 confirmation deadline (Part 4 extensions).

Upon receipt of the past-due list from NANPA, the Commission will send written notice to the codeholders on the past-due list to remind them that their Part 4 confirmations are overdue.³ Codeholders will have ten business days from the date of the letter to provide the Commission with proof that the NXXs have been activated and are serving end users, or, in the alternative, to request an extension of the Part 4 deadline. Codeholders are responsible for ensuring that NANPA and the Commission have current contact information on file, including contact name, phone number, fax number, street address, and electronic mail address.⁴ Notice sent to the street address listed for a codeholder on the Commission's contact list⁵ is deemed to have been received. In the event that the Commission is unable to contact a codeholder, or a codeholder does not reply to our notice, that codeholder's NXXs with past-due Part 4 confirmations will be subject to reclamation.

Codeholders seeking an extension of the Part 4 deadline must submit their requests to the Commission in writing. Requests should be addressed as follows:

Maine Public Utilities Commission
242 State Street
State House Station 18
Augusta, ME 04333-0018

The requests should also reference Docket No. 2001-17, Numbering Resource Reclamation Proceedings.

Each codeholder must explain the reason for its delay in activating the NXXs, indicate when the NXXs will be activated, specify the duration of the extension being

³Failure by the Commission to notify a carrier that its Part 4 confirmation is overdue does not relieve a carrier of its obligation to place all NXXs in service within six months of the LERG effective date, and silence from the Commission does not constitute a de facto extension.

⁴**The Commission requests two contacts for each company, an attorney and a person responsible for numbering issues in Maine. All codeholders should keep the Commission informed of its numbering contacts.**

⁵The Commission will update its list with any information received from NANPA as well.

sought, and divulge whether any third party has contributed to the codeholder's inability to activate the NXXs. Extension requests must also include: the relevant NXXs, by rate center and the current Part 4 deadline; whether prior extensions have been granted for the NXXs; and whether the codeholder has additional numbering resources in the same rate center. Codeholders should be prepared to provide documentation and contact information sufficient to allow the Commission to verify any facts offered in support of their claims of compliance or requests for Part 4 extensions.

The duration of initial Part 4 extensions will be determined on a case-by-case basis but in most cases will not exceed 120 days. The Commission reserves the right to grant additional extensions as necessary. Codeholder requests for initial extensions in excess of 120 days and for renewals of previously-granted extensions will face a heightened degree of scrutiny.

We delegate to the Administrative Director the authority to grant or deny a request for an extension. Any carrier that is denied an extension will have the right to appeal the decision to the Commission. The Administrative Director will also provide NANPA with a monthly report regarding the status of all past-due Part 4s subject to the Commission's jurisdiction.

NANPA does not track the status of past-due Part 4 confirmations for which the Commission grants an extension. Therefore, it is the responsibility of every codeholder that receives a Part 4 extension from the Commission to submit a Part 4 confirmation or additional extension request to the Commission before the end of the extension period. NXXs are subject to immediate reclamation at the end of the extension period unless the required communication is received from the codeholder.

The Commission reserves the right to supplement or revise these procedures from time to time, as necessary.

IV. ORDER

Accordingly, all Maine codeholders are directed to bring their procedures into compliance with the directives contained in this Order.

Dated at Augusta, Maine, this 2nd day of February, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.